CLERK'S OFFICE U.S. DIST. COURT AT ROANOKE, VA FILED

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

APR 1 2 2011

JULIA C. DUDLEY, CLERK BY: DEPUTY CLERK

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| CHRISTOPHER DEAN HUBBARD, |) |
| Petitioner, |) Case No. 7:11CV00161 |
| v. |))) <u>FINAL ORDER</u> |
| COMMONWEALTH OF VIRGINIA, |) By: Glen E. Conrad Chief United States District Judge |
| Respondent. |) |

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that the petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED** without prejudice, and this action is stricken from the active docket of the court. Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability is **DENIED**.

ENTER: This 12¹³ day of April, 2011.

Chief United States District Judge